

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts  
Southern District of Texas

FILED

September 27, 2023

Nathan Ochsner, Clerk of Court

United States of America

v.

RAFAEL GUTIERREZ-GALVAN (1994 / MX)

DEYANIRA GARZA (1995 / USA)

Case No. M-23-1715-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 26, 2023 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

16 USC 3372(e)

16 USC 1538(a)(1)(f)

Big Cat Public Safety Protection Act (Big Cat Act)

Endangered Species Act (ESA)

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

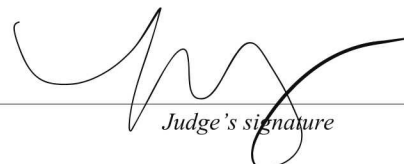
Approved by AUSA D. Walker

/s/ Tanner Fullmer

Complainant's signature

Tanner Fullmer, USFWS/OLE Special Agent

Printed name and title

Submitted by reliable electronic means, sworn to and  
attested telephonically per FED.R.CR.4.1, and probable  
cause found on:Date: September 26, 2023 **11:08 PM**City and state: McAllen, Texas

Judge's signature

Nadia S. Medrano, United States Magistrate Judge

Printed name and title

## ATTACHMENT A

1. On August 24, 2023, United States Fish and Wildlife Service Office of Law Enforcement (USFWS/OLE) agents encountered a wildlife trafficking event in McAllen, Texas. At approximately 10:00 a.m., Rafael **GUTIERREZ-GALVAN** met with a Homeland Security Investigations (HSI) Special Agent (SA) acting in an undercover capacity. **GUTIERREZ-GALVAN** delivered a margay to the undercover agent in exchange for \$7,500. Wildlife experts at the Houston Zoo confirmed the identification of the cat as a margay. The margay is pictured below.



2. On September 26, 2023, USFWS/OLE agents encountered a wildlife trafficking event in McAllen, Texas. At approximately 2:30 p.m., Rafael **GUTIERREZ-GALVAN** met with an undercover agent. **GUTIERREZ-GALVAN** delivered what appeared to be a jaguar cub to the undercover agent. Federal agents made an approach and **GUTIERREZ-GALVAN** stated in Spanish, "I'm just here to sell a cat" when approached. The jaguar is pictured below.



3. Simultaneously, federal agents were conducting surveillance at **GUTIERREZ-GALVAN**'s residence. Agents observed a woman exit the residence carrying an object that appeared to be a type of case. The woman got into a vehicle and departed. An Alamo Police Officer conducted a traffic stop for failure to signal on the vehicle and identified the driver as Deynira **GARZA**, **GUTIERREZ-GALVAN**'s wife. During the traffic stop, **GARZA** stated there was money in the case.
4. **GUTIERREZ-GALVAN** was transported to HSI McAllen and provided with Miranda warnings. **GUTIERREZ-GALVAN** elected to waive his rights and speak to law enforcement. **GUTIERREZ-GALVAN** admitted he was self-employed and he buys and sells animals. **GUTIERREZ-GALVAN** admitted he was delivering "a wild cat" today. **GUTIERREZ-GALVAN** admitted he had previously met with the undercover agent on another occasion to deliver a "Persian cat".
5. **GARZA** was transported to HSI McAllen and was provided with Miranda warnings. **GARZA** elected to waive her rights and speak to law enforcement. **GARZA** admitted that **GUTIERREZ-GALVAN** is her husband and that he buys and sells animals including a margay, parrots, and other animals. **GARZA** admitted she had assisted **GUTIERREZ-GALVAN** in wildlife trafficking by acting as a translator for him. **GARZA** admitted she had accompanied **GUTIERREZ-GALVAN** to deliver a margay for sale at the Academy Sports in McAllen, Texas. **GARZA** admitted that she nor **GUTIERREZ-GALVAN**

possess a USDA license to buy, sell, trade, or transport exotic animals such as margays and jaguars.

6. **GARZA** stated that **GUTIERREZ-GALVAN** had called her and told her to remove the cash from the house and bring it to him. **GARZA** admitted the case she removed from the house contained cash and that it belonged to **GUTIERREZ-GALVAN**.
7. Based on agent training and experience, the recovered jaguar's markings, size, and spot patterns appear consistent with identifiers of jaguars.
8. The Big Cat Public Safety Act (Big Cat Act) is found at Title 16, United States Code, Section 3372(e). The Big Cat Act prohibits the importation, transportation, sale, and possession of prohibited wildlife species. A jaguar is a prohibited species pursuant to Title 16, United States Code, Section 3371(h).
9. The Endangered Species Act (ESA) is found at Title 16, United States Code, Sections 1531-1544. The ESA prohibits the importation, exportation, or taking of fish, wildlife, and plants that are listed as threatened or endangered species; provides for adding species to and removing species from the list of threatened and endangered species; and for preparing and implementing plans for their recovery. Jaguars are listed as endangered species.